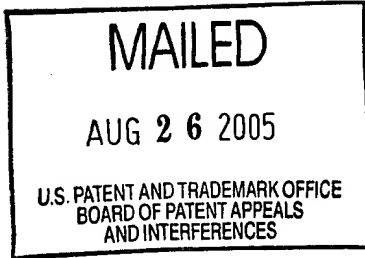


UNITED STATES PATENT AND TRADEMARK OFFICE



BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ROLAND VINCENT St. JOHN KILLICK

Application 09/520,576

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on July 25, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being electronically returned to the examiner. The matters requiring attention prior to docketing are identified below.

On March 21, 2005, an "Amendment Under § 41.33(b)" was filed. There is no indication in the record of whether or not the examiner has considered the Amendment.

In addition, the Examiner's Answer mailed May 5, 2005 is not in compliance with the new rules which became effective on September 13, 2004.

Accordingly, it is

ORDERED that the application is returned to the
Examiner:

1. for clarifying the entry status of the "Amendment
Under § 41.33(b)" filed March 21, 2005:

a. If the amendment is not to be entered, appellant
should be notified in writing that the Appeal Brief is defective
because the "Status of Claims," "Grounds of Rejection to be
Reviewed on Appeal," and "Argument" sections still reflect that
both sets of claims 53 and 54 are pending. A new Appendix to the
Appeal Brief which contains a correct copy of the claims involved
in the appeal is also needed.

2. to vacate the Examiner's Answer mailed May 5, 2005,
and issue a revised Examiner's Answer in compliance with the new
rules which went into effect on September 13, 2004;

3. to have a copy of the substitute Appeal Brief, if
needed, and any revised Examiner's Answer scanned into the
record; and

Application 09/520,576

4. for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 

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CRF/psb

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